

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01974-ABJ**

WATKINS LAW & ADVOCACY, PLLC v. UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS et al
Assigned to: Judge Amy Berman Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 09/25/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**WATKINS LAW & ADVOCACY,
PLLC**

represented by **Seth A. Watkins**
WATKINS LAW & ADVOCACY, PLLC
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS**

represented by **Jeremy S. Simon**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT OF
JUSTICE**

represented by **Jeremy S. Simon**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **Jeremy S. Simon**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES**

represented by **Jeremy S. Simon**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/25/2017	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5131334) filed by WATKINS LAW & ADVOCACY, PLLC. (Attachments: # <u>1</u>

		Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Civil Cover Sheet, # <u>33</u> Summons to VA, # <u>34</u> Summons to DOJ, # <u>35</u> Summons to FBI, # <u>36</u> Summons to ATF, # <u>37</u> Summons to U.S. Attorney General, # <u>38</u> Summons to U.S. Attorney for the District of Columbia)(Watkins, Seth) (Entered: 09/25/2017)
09/25/2017	<u>2</u>	Corporate Disclosure Statement by WATKINS LAW & ADVOCACY, PLLC. (Watkins, Seth) (Entered: 09/25/2017)
09/25/2017		Case Assigned to Judge Amy Berman Jackson. (jd) (Entered: 09/27/2017)
09/28/2017	<u>3</u>	SUMMONS (6) Issued Electronically as to BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Forms)(jd) (Entered: 09/28/2017)
10/18/2017	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/18/2017. Answer due for ALL FEDERAL DEFENDANTS by 11/17/2017. (Attachments: # <u>1</u> Declaration of Seth A. Watkins)(Watkins, Seth) (Entered: 10/18/2017)
10/18/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/16/2017. (Attachments: # <u>1</u> Declaration of Seth A. Watkins)(Watkins, Seth) (Entered: 10/18/2017)
10/18/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF VETERANS AFFAIRS served on 10/16/2017 (Attachments: # <u>1</u> Declaration of Seth A. Watkins)(Watkins, Seth) (Entered: 10/18/2017)
10/18/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF JUSTICE served on 10/17/2017 (Attachments: # <u>1</u> Declaration of Seth A. Watkins)(Watkins, Seth) (Entered: 10/18/2017)
10/18/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 10/17/2017 (Attachments: # <u>1</u> Declaration of Seth A. Watkins)(Watkins, Seth) (Entered: 10/18/2017)
10/18/2017	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES served on 10/16/2017 (Attachments: # <u>1</u> Declaration of Seth A. Watkins)(Watkins, Seth) (Entered: 10/18/2017)
11/13/2017	<u>10</u>	NOTICE of Appearance by Jeremy S. Simon on behalf of All Defendants (Simon, Jeremy) (Entered: 11/13/2017)
11/14/2017	<u>11</u>	Consent MOTION for Extension of Time to <i>Answer or Otherwise Respond to Complaint</i> by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 11/14/2017)
11/14/2017		MINUTE ORDER granting defendants' <u>11</u> consent motion for an extension of time to answer the complaint. Defendants' shall file their answer or otherwise respond by December 18, 2017. Signed by Judge Amy Berman Jackson on 11/14/2017. (lcabj3) (Entered: 11/14/2017)
12/18/2017	<u>12</u>	ANSWER to Complaint by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.(Simon, Jeremy) (Entered: 12/18/2017)

12/18/2017		MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendants shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, on or before January 16, 2018. Signed by Judge Amy Berman Jackson on 12/18/2017. (lcabj3) (Entered: 12/18/2017)
01/16/2018	<u>13</u>	STATUS REPORT by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (Simon, Jeremy) (Entered: 01/16/2018)
01/18/2018		MINUTE ORDER. The parties shall file an updated joint status report by March 15, 2018. Signed by Judge Amy Berman Jackson on 01/18/2018. (lcabj3) (Entered: 01/18/2018)
03/15/2018	<u>14</u>	Joint STATUS REPORT by WATKINS LAW & ADVOCACY, PLLC. (Watkins, Seth) (Entered: 03/15/2018)
03/18/2018		MINUTE ORDER. The parties must submit a updated joint status report by April 30, 2018.Signed by Judge Amy Berman Jackson on 03/18/2018. (lcabj3) (Entered: 03/18/2018)
04/30/2018	<u>15</u>	Joint STATUS REPORT by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 04/30/2018)
05/02/2018		MINUTE ORDER. The Court will adopt the following briefing schedule proposed by the parties: defendants shall file their motion for summary judgment by July 11, 2018. Plaintiff's opposition and cross motion, supported by the same memorandum of points and authorities, will be due August 14, 2018. Defendants' reply, combined with their cross opposition, will be due September 14, 2018. Plaintiff's cross reply, will be due October 15, 2018. Signed by Judge Amy Berman Jackson on 05/02/2018. (lcabj3) (Entered: 05/02/2018)
07/05/2018	<u>16</u>	Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment and for Adjustment of Related Deadlines in Briefing Schedule</i> by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 07/05/2018)
07/06/2018		MINUTE ORDER granting Consent Motion for Extension of Time. Defendants shall file their motion for summary judgment by August 22, 2018. Plaintiff's opposition and cross motion, supported by the same memorandum of points and authorities, will be due September 26, 2018. Defendants' reply, combined with their cross opposition, will be due October 30, 2018. Plaintiff's cross reply, will be due November 30, 2018. Signed by Judge Amy Berman Jackson on 07/06/2018. (lcabj3) (Entered: 07/06/2018)
08/17/2018	<u>17</u>	Joint MOTION for Extension of Time to <i>for Defendants to File Motion for Summary Judgment and for Adjustment of Related Deadlines</i> by WATKINS LAW & ADVOCACY, PLLC (Attachments: # <u>1</u> Text of Proposed Order)(Watkins, Seth) (Entered: 08/17/2018)
08/17/2018		MINUTE ORDER granting <u>17</u> Consent Motion for Extension of Time. The briefing schedule is adjusted as follows: Defendants shall file their motion for summary judgment by November 9, 2018. Plaintiff's opposition and cross motion, supported by the same memorandum of points and authorities, will be due December 7, 2018. Defendants' reply, combined with their cross opposition, will be due January 10, 2019. Plaintiff's cross reply, will be due February 6, 2019. Signed by Judge Amy Berman Jackson on 08/17/2018. (lcabj3) (Entered: 08/17/2018)
11/05/2018	<u>18</u>	Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment and for Adjustment of Related Deadlines</i> by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES

		DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 11/05/2018)
11/07/2018		MINUTE ORDER granting <u>18</u> Motion for Extension of Time. At the request of the parties the Court adopts the following briefing schedule: Defendants shall file their motion for summary judgment by November 19, 2018. Plaintiff's opposition and cross motion, supported by the same memorandum of points and authorities, will be due December 17, 2018. Defendants' reply, combined with their cross opposition, will be due January 22, 2019. Plaintiff's cross reply will be due February 19, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 11/07/2018. (lcabj3) (Entered: 11/07/2018)
11/14/2018	<u>19</u>	Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment and for Adjustment of Related Deadlines</i> by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 11/14/2018)
11/16/2018		MINUTE ORDER granting <u>19</u> Motion for Extension of Time. The Court hereby adopts the following briefing schedule: Defendants shall file their motion for summary judgment by December 10, 2018. Plaintiff's opposition and cross motion, supported by the same memorandum of points and authorities, will be due January 11, 2019. Defendants' reply, combined with their cross opposition, will be due February 11, 2019. Plaintiff's cross reply will be due February 25, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 11/16/2018. (lcabj3,) (Entered: 11/16/2018)
12/10/2018	<u>20</u>	MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum</i> by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Brinkmann Declaration, # <u>3</u> Siple Declaration, # <u>4</u> Knight Declaration, # <u>5</u> Hardy Declaration, # <u>6</u> Exhibit 1 (10.24.18 email))(Simon, Jeremy) (Entered: 12/10/2018)
01/11/2019	<u>21</u>	Cross MOTION for Summary Judgment by WATKINS LAW & ADVOCACY, PLLC (Attachments: # <u>1</u> Memorandum in Support of Cross-Motion for Summary Judgment, # <u>2</u> Declaration of Seth A. Watkins, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Statement of Facts Response to Defendants, # <u>12</u> Statement of Facts of Plaintiff, # <u>13</u> Text of Proposed Order)(Watkins, Seth) . (Entered: 01/11/2019)
01/16/2019		NOTICE OF ERROR. Counsel is directed to refile pleading using the "MEMORANDUM OF OPPOSITION" (zjf,) Modified on 1/18/2019 (zjf). (Entered: 01/16/2019)
01/17/2019	<u>22</u>	Memorandum in opposition to re <u>20</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum</i> filed by WATKINS LAW & ADVOCACY, PLLC. (Attachments: # <u>1</u> Declaration of Seth A. Watkins, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Statement of Facts Response to Defendants, # <u>11</u> Statement of Facts of Plaintiff, # <u>12</u> Text of Proposed Order)(Watkins, Seth) (Entered: 01/17/2019)
02/04/2019	<u>23</u>	Consent MOTION for Extension of Time to <i>File Reply and Opposition and to Adjust Remaining Deadlines in Briefing Schedule</i> by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 02/04/2019)
02/06/2019		MINUTE ORDER granting <u>23</u> Motion for Extension of Time. Defendants' reply, combined with their cross opposition, will be due March 13, 2019. Plaintiff's cross-reply will be due March 28, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 02/06/2019. (lcabj3) (Entered: 02/06/2019)
03/12/2019	<u>24</u>	MOTION for Extension of Time to <i>File Opposition and Reply (Partial Consent Motion for Extension of the Remaining Deadlines in Briefing Schedule and for</i>

		<i>Establishment of a Separate Schedule to Address the FOIA Request Directed to the FBI</i> by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 03/12/2019)
03/14/2019		MINUTE ORDER granting <u>24</u> Motion for Extension of Time. Defendants VA, OAG, and ATF must file their reply and opposition to plaintiff's cross-motion supported by the same memorandum of points and authorities by April 3, 2019. Plaintiff's cross-reply will be due April 18, 2019. In light of the FBI's supplemental search, the FBI and plaintiff must file a joint status report by June 18, 2019 with a proposal for further proceedings. In the meantime, the FBI's reply and opposition to plaintiff's cross-motion is stayed. The Court anticipates that defendant FBI will file a supplemental declaration related to the supplemental search and that plaintiff will be updating its motion for summary judgment. SO ORDERED. Signed by Judge Amy Berman Jackson on 03/14/2019. (lcabj3) (Entered: 03/14/2019)
04/03/2019	<u>25</u>	Memorandum in opposition to re <u>21</u> Cross MOTION for Summary Judgment and <i>Opposition to Defendants' Motion for Summary Judgment and Response to Plaintiff's Local Rule 7(h) Statement</i> filed by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit 1 (VBA Letter Dated April 4, 2018))(Simon, Jeremy) (Entered: 04/03/2019)
04/03/2019	<u>26</u>	REPLY to opposition to motion re <u>20</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum (Duplicate of Docket Entry No. 25)</i> filed by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Ex. 1 (VBA Letter of April 4, 2018))(Simon, Jeremy) (Entered: 04/03/2019)
04/18/2019	<u>27</u>	REPLY to opposition to motion re <u>21</u> Cross MOTION for Summary Judgment and <i>Opposition to Defendants' Motion for Summary Judgment</i> filed by WATKINS LAW & ADVOCACY, PLLC. (Watkins, Seth) (Entered: 04/18/2019)
06/18/2019	<u>28</u>	Joint STATUS REPORT by WATKINS LAW & ADVOCACY, PLLC. (Attachments: # <u>1</u> Text of Proposed Order)(Watkins, Seth) (Entered: 06/18/2019)
06/20/2019		MINUTE ORDER. The FBI must file by July 31, 2019, a supplement to its pending motion for summary judgment, which will include its opposition/reply to plaintiff's cross-motion/opposition and a supplemental declaration. Plaintiff must file by August 14, 2019, a response to that supplemental filing, which will reply to the FBI's opposition and include any additional arguments that plaintiff may have regarding the adequacy of the FBI's search. SO ORDERED. Signed by Judge Amy Berman Jackson on 06/20/2019. (lcabj3) (Entered: 06/20/2019)
07/31/2019	<u>29</u>	Memorandum in opposition to re <u>21</u> Cross MOTION for Summary Judgment and <i>Opposition to Defendants' Motion for Summary Judgment (FBI's Combined Opposition and Reply)</i> filed by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Second Declaration of David M. Hardy, # <u>2</u> Proposed Order)(Simon, Jeremy) (Entered: 07/31/2019)
07/31/2019	<u>30</u>	REPLY to opposition to motion re <u>20</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum (FBI's Combined Opposition and Reply) (duplicate of docket entry number 29)</i> filed by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Second Declaration of David M. Hardy, # <u>2</u> Proposed Order)(Simon, Jeremy) (Entered: 07/31/2019)
08/14/2019	<u>31</u>	REPLY to opposition to motion re <u>21</u> Cross MOTION for Summary Judgment and <i>Opposition to Defendants' Motion for Summary Judgment</i> filed by WATKINS LAW & ADVOCACY, PLLC. (Attachments: # <u>1</u> Declaration of Seth A. Watkins, # <u>2</u> Exhibit 9, # <u>3</u> Exhibit 10)(Watkins, Seth) (Entered: 08/14/2019)
09/13/2019		MINUTE ORDER. In order to assist the Court in making a responsible de novo determination, defendant ATF is directed to deliver to chambers for in camera inspection the document described as the "internal briefing paper providing talking

		points and legal guidance from the Office of the Chief Counsel to ATF' s executive staff regarding the applicability of Federal firearms disabilities to VA adjudications," in the declaration of Adam Siple [Dkt. # 20–3], on or before September 17, 2019. See Ray v. Turner, 587 F.2d 1187, 1195 (D.C. Cir. 1978). SO ORDERED. Signed by Judge Amy Berman Jackson on 09/13/2019. (lcabj3) (Entered: 09/13/2019)
09/13/2019		Set/Reset Deadlines: Documents for in camera inspection due by 9/17/2019. (tg) (Entered: 09/13/2019)
09/16/2019	<u>32</u>	NOTICE of Compliance with September 13, 2019 Order by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (Simon, Jeremy) (Entered: 09/16/2019)